

SPSO decision report

Case: 201305842, Falkirk Council
Sector: local government
Subject: repairs and maintenance
Outcome: upheld, recommendations

Summary

Mr and Mrs C complained that their landlord, the council, failed to take reasonable steps to carry out appropriate plumbing repairs to clear a blocked pipe in their property.

We found that there were a number of failings by the council who accepted that the blocked drain should have been treated as an emergency repair and dealt with within 24 hours. However, the council changed the repair category to 'urgent' which meant that it took several days for the blocked drain to be cleared. We considered that it was unsatisfactory that the council were unable to supply evidence of the reason the category had been changed. The council also failed to jet the drains although they claimed they had done so.

Mr and Mrs C had also made a claim to the council for a new cooker, as they said their cooker had suffered water damage, which was rejected by the council's claim handlers. The council accepted they had initially provided inaccurate information to their claims handlers but we were satisfied that the correct information was latterly supplied by the council and that Mr and Mrs C's claim was reassessed. However, we were unable to determine whether the damage to the cooker was caused by the blocked drain.

We found that the repair to the blocked drain was a qualifying repair under the Housing (Scotland) Act 2001 Right to Repair Scheme. In terms of the scheme, secure tenants have the right to compensation if certain repairs are not carried out by their landlord within a given timescale. As we considered the council failed to take reasonable steps to carry out the appropriate plumbing repairs within the required timescale, we found that Mr and Mrs C were entitled to receive compensation for the inconvenience caused. We made a number of recommendations to the council.

Recommendations

We recommended that the council:

- apologise to Mr and Mrs C for the failure to take reasonable steps to carry out appropriate plumbing repairs within their property;
- pay Mr and Mrs C compensation in terms of the Housing (Scotland) Act 2001 Right to Repair Scheme;
- ensure that when a repair category is amended, the reasons for the change are recorded; and
- ensure the works are appropriately recorded when repairs are carried out.